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March 14, 2000

VIA HAND DELIVERY

Magalie Roman Salas
Commission Secretary
Federal Communications Commission
Portals II
445 12th Street, S.W., Suite TW-A325
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: File No. NSD-L-99-100; CC Docket 96-98; Comments of Level 3
Communications, Inc.

Dear Secretary Salas:

On behalf of Level 3 Communications, Inc. ("Level 3"), enclosed please find an original and four (4) copies of Level 3's comments in the above-referenced docket. Please date stamp and return the enclosed extra copy. Concurrently with this filing, Level 3 is submitting two (2) copies of its comments to the Network Services Division.

Should you have any questions with respect to this matter, please do not hesitate to call Ron Del Sesto at (202) 945-6923.

Respectfully submitted,



Ronald W. Del Sesto, Jr.

Enclosure

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**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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OFFICE OF THE SECRETARY

In the Matter of)	
)	
Petition of the Arizona Corporation)	
Commission for Delegated)	NSD File No. L-99-100
Authority to Implement Number)	
Conservation Measures)	
)	
)	
Implementation of the Local Competition)	
Provisions of the Telecommunications)	CC Docket No. 96-98
Act of 1996)	

**COMMENTS OF
LEVEL 3 COMMUNICATIONS, LLC**

Level 3 Communications, LLC ("Level 3"), submits these comments in response to the Common Carrier Bureau's Public Notice of February 14.¹ Level 3 is a communications and information services company and is building an advanced Internet Protocol technology-based network across the United States, that will connect 25 cities. As a facilities-based provider of local services, Level 3 depends upon adequate access to numbering resources to serve customers and expand the geographic scope of its operations.

Level 3 welcomes the initiative of the Arizona Corporation Commission ("Arizona Commission") to address the problems associated with NXX code shortages. The inability to obtain NXX codes and telephone numbers is one of the most significant, artificial barriers to market entry and expansion by new entrants. Level 3 anticipates that the Federal Communications Commission ("FCC") will grant delegated authority to the Arizona

¹ *Common Carrier Bureau Seeks Comment on the Arizona Corporation Commission's Petition for Delegation of Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-101, Public Notice, DA 00-281 (rel. Feb. 14, 2000).

Commission consistent with its prior orders delegating additional authority to implement number optimization measures to other state petitioners.² While Level 3 does not concur with the breadth of authority granted to the state commissions in those prior decisions – nor with the full scope of authority requested here – the arguments against certain aspects of the delegation of authority in those prior orders need not be repeated here.³ Rather, these comments address implementation issues associated with number pooling trials and one aspect of the Arizona Commission’s request for authority that may go beyond that granted to other states in prior orders. First, Level 3 asks the FCC to clarify the ability of states to expand number pooling trials to additional MSAs. Second, the Arizona Commission’s proposal to establish auditing procedures and implement random audits in addition to any auditing efforts of the FCC and the NANPA is inconsistent with the FCC’s prior rulings.

² See, e.g., *California Pub. Utils. Comm’n Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, CC Docket No. 96-98, FCC 99-248 (rel. Sept. 15, 1999) (“*California Delegation Order*”); *Florida Pub. Service Comm’n Petition to Federal Communications Comm’n for Expedited Decision for Grant of Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-249 (rel. Sept. 15, 1999) (“*Florida Delegation Order*”); *Massachusetts Dept. of Telecom. and Energy’s Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, CC Docket No. 96-98, FCC 99-246 (rel. Sept. 15, 1999); *New York State Dept. of Pub. Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-247 (rel. Sept. 15, 1999) (“*New York Delegation Order*”); *Maine Pub. Utils. Comm’n Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-260 (rel. Sept. 28, 1999); *Connecticut Dept. of Pub. Util. Control Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *New Hampshire Pub. Utils. Comm’n Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *Petition of the Ohio Pub. Utils. Comm’n for Delegation of Additional Authority to Implement Number Conservation Measures* (rel. Nov. 30, 1999); *Petition of the Pub. Util. Comm’n of Texas for Expedited Decision for Authority to Implement Number Conservation Measure*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *Petition of the Pub. Service Comm’n of Wisconsin for Delegation of Additional Number Conservation Measures* (rel. Nov. 30, 1999).

³ Level 3 has commented on petitions filed in this docket by the following state commissions: Massachusetts (NSD File No. L-99-19), New York (NSD File No. L-99-21), Florida (NSD File No. L-99-35), California (NSD File No. L-98-136), Texas (NSD File No. L-99-55), Connecticut (NSD File No. L-99-62), New Hampshire (NSD File No. L-99-71), Utah (NSD File No. L-99-89), and Pennsylvania (NSD File No. L-99-101) and incorporates those comments herein to the extent applicable to the PUC’s request. At the very least, Level 3 requests that the Commission’s grant of authority to the Arizona Commission here be subject to the same conditions placed upon the grants of authority to other state commissions, and that the Commission clarify precisely the scope of authority delegated to the states. For example, it should be made crystal clear that a state is to plan only one pooling trial at a time (for a single MSA), that a “back-up” area code relief plan must be ready to go *immediately* if a state is going to explore pooling first, and that any reclamation of numbers in connection with (or in preparation for) a pooling plan must be done subject to the restrictions placed on the state’s ability to implement that pooling plan.

While the FCC has granted numerous state commissions the authority to engage in thousands block number pooling, Level 3 requests that the FCC clarify its delegation of authority in the expansion of pooling trials. In granting various state commissions authority to engage in thousands block number pooling trials, the FCC has made clear that only after full implementation in one MSA may state commissions expand the trial to additional MSAs. Carriers must engage in various time consuming tasks to prepare for a number pooling trial. The industry must be able to take all the necessary steps that are required for such implementation. It is impossible to predict the complications that will arise and forecast the demand for ported numbers in each MSA. Some state commissions have interpreted the FCC's delegation of authority to mean that so long as a number pooling trial has been initiated in a certain MSA, they may then expand the trial into another MSA before fully implementing the number pooling trial in the original MSA. Given the uncertainties of the pooling process, state commission must allow carriers time to prepare for number pooling and implement trials one MSA at a time.

The Arizona Commission has requested the authority to establish auditing procedures and to implement random audits in addition to any auditing efforts of the FCC or the NANPA.⁴ While the FCC has allowed other states to engage in auditing practices, it has always limited the duration of such grants of authority. For example, in the *New Hampshire Delegation Order* the FCC stated “[W]e . . . delegate authority to the New Hampshire Commission . . . to conduct random utilization audits. We reiterate, however, that because these are measures under consideration in the *Number Resource Optimization Notice*, this grant of authority *is limited in duration* until such time as the Commission enacts rules or policies relating to collecting number utilization and forecast data or auditing carriers’ use of numbering resources.”⁵ At this time, it is premature to grant the Arizona Commission’s request for authority to conduct random audits in addition to any auditing efforts of the FCC or the NANPA. Because the FCC is currently considering this issue and has not yet determined the most effective and efficient way to proceed,

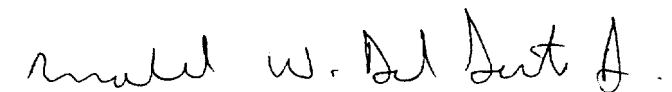
⁴ *Arizona Petition*, at 5.

⁵ *New Hampshire Delegation Order*, at ¶ 23 (emphasis added).

it should deny the Arizona Commission's request for concurrent authority to engage in random audits.

For the reasons explained in its prior filings on various state commission petitions, Level 3 asks that the FCC complete its own numbering administration rulemaking prior to delegating substantial additional authority to the states in this area. Level 3 recognizes that several state commissions have already received additional numbering authority. However, Level 3 requests that the FCC clarify its grant of delegated authority regarding expanding number pooling trials to additional MSAs. Additionally, Level 3 requests that the FCC limit its grant of auditing authority to the Arizona Commission. Specifically, the Arizona Commission should be allowed to engage in such activity only until the FCC releases an order in its number administration rulemaking.

Respectfully submitted,



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Dated: March 14, 2000

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